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In re Application of	:	
SEINO <i>et al</i>	:	
Application No.: 10/576,721	:	
PCT No.: PCT/JP2004/015231	:	NOTIFICATION OF
Int. Filing Date: 15 October 2004	:	
Priority Date: 23 October 2003	:	DEFECTIVE RESPONSE
Atty. Docket No.: 290087US0PCT	:	
For: METHOD FOR PURIFYING	:	
LITHIUM SULFIDE	:	

This application is before the Office of PCT Legal Administration for consideration of matters under 35 U.S.C. 371, and is in response to applicants' "RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371" filed in the U.S. Patent and Trademark Office (USPTO) on 26 January 2007.

#### BACKGROUND

On 15 October 2004, applicants filed international application No. PCT/JP2004/015231 which claimed a priority date of 23 October 2003, and which designated the United States.

The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee was set to expire 30 months from the priority date, i.e. 23 April 2006.

On 21 April 2006, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*,: the basic national fee and the surcharge for providing the oath or declaration later than 30 months from the priority date.

On 04 December 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 26 January 2007, applicants filed a declaration of the inventors.

On 16 May 2007, the DO/EO/US mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating that applicants had satisfied the requirements for entry into the national stage.

### **DISCUSSION**

A review of the application file reveals that the declaration of the inventors is not in compliance with 37 CFR 1.497. Specifically, the first named applicant on the declaration, Yoshikatsu Seino, is not the same as the first named applicant in the international application Yoshikatsu Kiyono, and applicant has not provided any explanation or petition with regard to the discrepancy.

Therefore, in that the declaration is not acceptable, the application can not be held to be in compliance with 35 U.S.C. 371, and as such the Form PCT/DO/EO/903 was mailed in error.

### **CONCLUSION**

For the reasons above, the Form PCT/DO/EO/903 mailed 16 May 2007, is hereby **VACATED**.

A proper response must be filed within one (1) month of this Notification. Extensions of time to this time period under 37 CFR 1.136(a) are NOT available. However, applicants may submit a response within the time remaining under the time period set in the Form PCT/DO/EO/905 mailed 04 December 2006.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Mail Stop PCT, PO Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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